

Docket# CR15-1828  
Petition Under 28 U.S.C.  
2254 For writ of Habeas  
Corpus by a person in  
State Custody

Notice

Plaintiff Jihad Shahaddah  
as a pro se recognizes  
the Brady Violation for  
failure to disclose exculpatory  
evidence qualifies as  
obstruction by the government  
that prevents the filing of  
the claim. For the purpose of  
the statutory limitations  
tolling provision for situations  
where a Defendants actions  
obstructed the filing of any  
action.

Hicks v. Director  
Dept. of Corrections 289 Va. 288,  
768 S.E. 2d 415 (2015) code 8.01-  
229(D).

## Ineffective Assistance of Counsel Standard

The petitioner has the burden of proving by a preponderance of the evidence his claims of ineffective assistance of counsel. *GTEEN v. YOUNG*, 264 Va. 604, 608, 571 S.E.2d 135, 138 (2002); *NOLAN v. PEYTON* 208 Va. 109, 112, 155 S.E.2d 318, 321 (1967).

Petitioner must first prove that his counsel's performance was deficient, meaning that counsel made errors so serious that counsel was not functioning as the counsel guaranteed the defendant by the Sixth Amendment.

Petitioner must show that that the deficient performance prejudiced the defense.

Pursuant to 28 U.S.C 1746, I declare under penalty of perjury that the following is true and correct.

4 / 12 / 20

Jihad Shabaddah

Proof of Service

The declarant declares that a document was mailed or served on.

4 / 12 / 20

Jihad Shabaddah